

REMARKS

Reconsideration is requested in view of the above amendments and the following remarks. Claims 1, 23 and 27 have been revised. Support for the revisions can be found at, e.g., Figs. 15 and 16, among other places. New claims 32 and 33 have added. New independent claim 32 tracks previous claims 1, 3 and 9. New claim 33 tracks original claim 10. New claims 32 and 33 are also supported by, e.g., Figs. 24-30. Claims 1 and 3-33 remain pending in the application. Claims 23-31 have been withdrawn.

Claim Rejections-35 USC § 102

Claims 1 and 3-18 are rejected under 35 U.S.C. 102(a) as being anticipated by Koike et al. (PCT Application Publication No. WO 03/005907). Applicants respectfully traverse this rejection.

Claim 1 requires a lancet body that is fixed to a casing when an external force exceeding a predetermined level in a particular direction is not applied to the casing, whereas the lancet body becomes movable relative to the casing when an external force exceeding the predetermined level in the particular direction is applied to the casing, wherein the particular direction crosses an axial direction of the casing, and the particular direction is directed from an outside of the casing toward an inside of the casing.

Koike et al. fail to teach or suggest a lancet body becoming movable relative to a casing when an external force exceeding a predetermined level is applied to the casing, where the external force is in a particular direction that crosses an axial direction of the casing from an outside of the casing toward an inside of the casing, as required by claim 1. Instead, Koike et al. merely discuss a lancing apparatus Y that includes a movable member movable within a housing 3 in an advancing/retreating direction, where the movable member includes an end surface 40 (see Koike et al., Figs. 11A-B and paragraphs [0079] and [0081]). The lancing apparatus further includes a lancet X1 mounted thereto (see Koike et al., Figs. 11A-B and paragraph [0079]). The lancet X1 includes a case 1 that has a first cylindrical portion 14 for holding a lancing unit 2, where the lancing unit 2 includes a holder portion 21 which in turn includes a stopper 24 (see Koike et al., Figs. 11A-B and paragraphs [0067]). The stopper 24 has a cylindrical surface formed with an annular recess 26a (see Koike et al., Figs. 11A-B and paragraph

[0070]). The cylindrical portion 14 of the lancet X1 has a plurality of projections 18a on its inner surface that can come into engagement with the annular recess 26a of the lancing unit 2 to hold the stopper 24 at a wait position (see Koike et al., Figs. 11A-B and paragraph [0081]). As illustrated in Fig. 11A, the movable member 4 pushes the stopper 24 of the lancing unit 2 so that the projections 18a are held in engagement with the annular recess 26a. When the lancet X1 is inserted further from this state, the annular recess 26a disengages from the projections 18a due to an axial pushing force from the movable member 4 so that the lancing unit 2 moves in the advancing direction relative to the case 1, as shown in Fig. 11B.

As clearly shown in Figs. 11A-B, the direction of force that is applied to the lancing unit 2 by the end surface 40 of the movable member is parallel to an axial direction of a casing, not crossing the axial direction of the casing. Nowhere do Koike et al. teach or even suggest a device in which an external force exceeding a predetermined level is applied to a casing, where the external force is in a particular direction that crosses an axial direction of the casing from an outside of the casing toward an inside of the casing, as required by claim 1.

For at least these reasons, claim 1 is patentable over Koike et al. Claims 3-18 depend ultimately from claim 1 and are patentable along with claim 1 and need not be separately distinguished at this time. Applicants are not conceding the relevance of the rejection to the remaining features of the rejected claims.

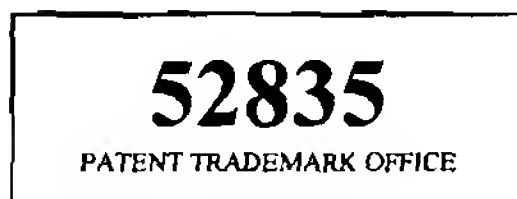
Claim Rejections-35 USC § 103

Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koike et al. in view of Nishikawa et al. (U.S. Patent No. 6,315,738). Applicants respectfully traverse this rejection. Claims 19 and 20 depend ultimately from claim 1 and are patentable over Koike et al. for at least the same reasons discussed above regarding claims 1 and 3-18. Nishikawa et al. do not remedy the deficiencies of Koike et al. Applicants are not conceding the relevance of the rejection to the remaining features of the rejected claims.

Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koike et al. in view of Moerman et al. (U.S. Patent No. 7,378,007). Applicants respectfully traverse this rejection. Claims 21 and 22 depend ultimately from claim 1 and are patentable over Koike et al. for at least the same reasons discussed above regarding claims 1 and 3-18. Moerman et al. do not remedy the deficiencies of Koike et al. Applicants are not conceding the relevance of the rejection to the remaining features of the rejected claims.

Applicants submit that the features of new independent claim 32, for example, the opening being deformed so as to change the cross-sectional shape of the casing, thereby causing the lancet body to be movable relative to the casing, are not seen in or suggested by the references of record.

In view of the above, favorable reconsideration in the form of a notice of allowance is respectfully requested. Any questions regarding this communication can be directed to the undersigned attorney, Douglas P. Mueller, Reg. No. 30,300, at (612) 455-3804.



Respectfully submitted,

HAMRE, SCHUMANN, MUELLER &
LARSON, P.C.
P.O. Box 2902
Minneapolis, MN 55402-0902
(612) 455-3800

Dated: January 6, 2011

By: _____

A handwritten signature in black ink, appearing to be "D. Mueller", written over a horizontal line.

Douglas P. Mueller
Reg. No. 30,300
DPM/cy